

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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|--------------------------------|---|-------------------------------------|
| RYAN A. BENOIT, |) | |
| |) | |
| Petitioner, |) | Case No. 1:22-cv-267-SPB-RAL |
| |) | |
| v. |) | |
| |) | |
| CYNTHIA HUTCHINSON, |) | |
| <i>Warden, BOP McKean FCI,</i> |) | |
| |) | |
| Respondent |) | |

MEMORANDUM ORDER

The petition for a writ of habeas corpus in this case was lodged on September 12, 2022 and referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation (“R&R”) in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72. ECF No. 1, 3. On December 14, 2022, the Respondent answered the petition. ECF No. 11. Shortly thereafter, Petitioner was released from prison. *See* ECF No. 11-2 at 3. It does not appear that any forwarding address has been received from the Petitioner.

On June 29, 2023, Magistrate Judge Lanzillo issued an R&R recommending that the petition be dismissed as moot in light of Petitioner’s release from confinement. ECF No. 12. Because Petitioner sought relief under 28 U.S.C §2241, the provisions of 28 U.S.C. §2253 (pertaining to issuance of a certificate of appealability) do not apply. Consequently, Judge Lanzillo made no recommendation concerning the issuance of a certificate of appealability. *Id.*

Objections to the Report and Recommendation were due to be filed no later than July 17, 2023. To date, no objections have been filed.

After *de novo* review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 25th day of July, 2023, IT IS ORDERED that the within petition for a writ of habeas corpus shall be, and hereby is, DISMISSED as moot.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lanzillo, issued on June 29, 2023, ECF No. [12], is adopted as the opinion of this Court.

As there are no additional matters pending before the Court relative to the instant petition, the Clerk is directed to mark this case "CLOSED."



SUSAN PARADISE BAXTER
United States District Judge